

## **REMARKS**

### **I. Office Action Mailed on May 18, 2009**

In the Non-Final Office Action mailed on May 18, 2009, the Examiner sets forth two grounds for rejecting the pending claims. Applicant submits the following remarks to address those rejections.

#### **A. Statement Under 37 C.F.R. 3.73(b)**

The Examiner states in the present Office Action that “[t]he Rule 3.73(b) document filed 1/29/04 showing ownership does not include a statement that the owner is the assignee of the entire right, title and interest in the application. *Note box was not checked off.*” Applicant submits that a corrected Statement Under 37 C.F.R. 3.73(b) indicating that Assignee owns the entire right, title, and interest in the application was filed on June 30, 2006. Applicant further submits that another Statement Under 37 C.F.R. 3.73(b) was filed with the Revocation of Power of Attorney with New Power of Attorney filed on May 18, 2007. Accordingly, Applicant submits that this defect has been fully addressed.

#### **B. New Reissue Declarations**

The Examiner states that “[t]he reissue oath/declaration filed with the application is defective . . . because . . . [t]he errors stated in the declaration filed on 1/29/04 appear to all be directed to subject matter that has since been canceled during prosecution.” Applicant respectfully disagrees and believes that the previously submitted reissue declarations are proper. However, in order to expedite prosecution, Applicant is submitting newly executed reissue declarations from five of the seven inventors with this response. The newly signed declarations are attached as Exhibit B to the accompanying Statement. With respect to the two inventors who have not signed new reissue declarations, Applicant is submitting a petition under 37 CFR 1.47 with this response. Applicant submits that the newly executed reissue declarations and the accompanying petition completely address this rejection in the Office Action.

## **CONCLUSION**

Applicant and the undersigned thank Examiner Davis for considering these remarks. If the Examiner believes that any issues exist that can be resolved by telephone conference, or that

any formalities exist that can be corrected by an Examiner's Amendment, please contact the undersigned at (404) 572-3505.

Respectfully submitted,

/ Robert T. Neufeld /

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